

Message Text

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APPROVED BY EA:ROAKLEY
L:JMICHEL
EA/VLC:FZBROWN
EUR/NE:RWOODS

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P 100156Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY STOCKHOLM PRIORITY

C O N F I D E N T I A L STATE 061450

E.O. 11652: GDS

TAGS: PDIP, ASEC, SW, US, VM

SUBJECT: HUMPHREY HUNG ESPIONAGE CASE

REF: 1. STOCKHOLM 0869, 2. STOCKHOLM 0871, 3. STATE
59284

1. EMBASSY MAY DRAW ON FOLLOWING POINTS IN REPLYING TO
QUESTION POSED BY LIEFLAND CONTAINED REF 1:

-- U.S. COURTS HAVE NO AUTHORITY TO COMPEL TESTIMONY OR
OTHER INVOLVEMENT BY FOREIGN NATIONALS WHO ARE OUTSIDE
THE UNITED STATES.

-- DEFENDANTS, HOWEVER, ARE ENTITLED TO SEEK VOLUNTARY
COOPERATION OF PERSONS WHO ARE NOT SUBJECT TO COURT'S
JURISDICTION, AND U.S. GOVERNMENT IS OBLIGED TO REFRAIN
FROM INTERFERENCE IN REQUESTS BY DEFENDANTS FOR SUCH
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VOLUNTARY COOPERATION.

-- DISCUSSION WITH SWEDISH EMBOFF DAAG WAS INTENDED TO
EXPLAIN THAT DEFENDANTS MIGHT REQUEST VOLUNTARY ASSISTANCE
FROM GOVERNMENT OF SWEDEN OR FROM SWEDISH OFFICIALS. ANY
DECISION ON HOW TO RESPOND IN EVENT OF SUCH A REQUEST IS
A MATTER ENTIRELY FOR DECISION BY GOS AND OFFICIALS

CONCERNED.

2. AS FOR SWEDISH CONCERN REGARDING CONFIDENTIALITY OF DISCOURSE WITH AMERICAN OFFICIALS EMBASSY MAY RESPOND BY DRAWING ON REF 3 IN EXPLAINING WHY PROSECUTION OF HUMPHREY AND HUNG REQUIRES RUNNING RISK THAT SOME OR ALL OF THE EVIDENTIARY MATERIALS INVOLVED MAY BECOME PUBLIC. IN ADDITION EMBASSY SHOULD NOTE THAT:

-- WE SHARE THE CONCERN OF THE GOS THAT THESE DOCUMENTS, AS THEY RELATE TO GOS INVOLVEMENT, MIGHT BECOME PUBLIC BEFORE OR DURING THE TRIAL.

-- WE DEEPLY REGRET OUR INABILITY, IN THIS CASE, TO DRAW UPON PROCEDURES OTHER THAN THOSE SPECIFIED IN PARA 6 AND 9 OF REF 3 TO PROTECT INFORMATION PROVIDED IN CONFIDENCE BY SWEDISH OFFICIALS.

-- WE HOPE THAT THE PROSECUTION OF THIS CASE WILL REDUCE THE CHANCES OF SIMILAR SITUATIONS ARISING IN THE FUTURE.
VANCE

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NNN

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